



660498

CA.CA.02474

Proposed Committee Substitute by the Committee on Community
Affairs

1 A bill to be entitled
2 An act relating to vacation rentals; providing a
3 directive to the Division of Law Revision and
4 Information; creating s. 509.601, F.S.; providing a
5 short title; creating s. 509.603, F.S.; providing
6 legislative findings; specifying purpose; preempting
7 certain regulation and control of vacation rentals to
8 the state; specifying authority of the Division of
9 Hotels and Restaurants over regulation of vacation
10 rentals; requiring the division to adopt rules;
11 specifying applicability of the preemption; creating
12 s. 509.604, F.S.; requiring vacation rentals to obtain
13 a license; specifying that individuals cannot transfer
14 licenses; specifying a penalty for operating without a
15 license; requiring local law enforcement to assist
16 with enforcement; specifying that the division may
17 refuse to issue or renew a license under certain
18 circumstances; specifying that licenses must be
19 renewed annually and that the division must adopt
20 rules for staggered renewals; specifying the manner in
21 which administrative proceedings proceed upon the
22 expiration of a license; specifying that persons
23 intending to use a property as a vacation rental apply
24 for and receive a license before use; requiring such
25 licenses to be displayed in a vacation rental;
26 creating s. 509.605, F.S.; requiring the division to
27 adopt rules regarding certain license and delinquent



660498

CA.CA.02474

28 fees; specifying the maximum number of units under one
29 license; specifying requirements regarding such fees;
30 creating s. 509.606, F.S.; providing penalties for
31 violations; specifying the circumstances that
32 constitute a separate offense of a critical law or
33 rule; specifying circumstances under which a closed-
34 for-operation sign must be posted; specifying where
35 administrative fines must be paid and credited to;
36 specifying the maximum amount of time a vacation
37 rental license may be suspended; specifying certain
38 circumstances where the division may fine, suspend, or
39 revoke the license of a vacation rental; specifying
40 that persons are not entitled to a license when
41 administrative proceedings have been or will be
42 brought against a licenseholder; providing enforcement
43 for noncompliance with final orders or other
44 administrative actions; authorizing the division to
45 refuse the issuance or renewal of a license until all
46 fines have been paid; creating s. 509.607, F.S.;

47 specifying that vacation rentals are to be treated as
48 transient rentals regarding certain tax and landlord
49 and tenant provisions; exempting persons renting or
50 advertising for rent from certain real estate
51 regulations; creating s. 509.608, F.S.; preempting
52 inspection of vacation rentals to the state;
53 specifying that the division is solely responsible for
54 inspections and quality assurance; specifying that the
55 division has a right of entry and access for
56 performing inspections; prohibiting the division from



660498

CA.CA.02474

57 establishing certain rules; specifying that vacation
58 rentals must be made available for inspection upon
59 request; specifying procedures for vulnerable adults
60 appearing to be victims of neglect and, in the case of
61 buildings without automatic sprinkler systems, persons
62 who may not be able to self-preserve in an emergency;
63 requiring the division to inspect vacation rentals
64 when necessary to respond to emergencies and
65 epidemiological conditions; requiring the division to
66 inspect each commercial vacation rental at least
67 biannually; amending s. 509.013, F.S.; revising and
68 defining terms; amending s. 509.032, F.S.; specifying
69 provisions for inspection of vacation rentals;
70 specifying that local governments may regulate
71 activities that arise when a property is used as a
72 vacation rental subject to certain conditions;
73 authorizing local governments to require that vacation
74 rental owners submit specified documentation;
75 authorizing local governments to assess a fee and
76 certain fines; revising the preemption of local laws,
77 ordinances, and regulations relating to vacation
78 rentals; amending ss. 159.27, 212.08, 316.1955,
79 404.056, and 477.0135, F.S.; conforming cross-
80 references; amending ss. 509.072, 509.091, 509.095,
81 509.101, 509.111, 509.141, 509.142, 509.144, 509.162,
82 509.2015, 509.211, 509.2112, and 509.215, F.S.;

83 conforming provisions to changes made by the act;
84 amending s. 509.221, F.S.; revising a provision that
85 excludes vacation rentals from certain sanitary



660498

CA.CA.02474

86 regulations; amending s. 509.241, F.S.; conforming
87 provisions to changes made by the act; amending s.
88 509.242, F.S.; removing vacation rentals from the
89 classifications of public lodging establishments;
90 amending ss. 509.251, 509.281, 509.302, 509.4005,
91 509.401, 509.402, 509.405, 509.409, and 509.417, F.S.;
92 conforming provisions to changes made by the act;
93 amending ss. 553.5041, 717.1355, and 877.24, F.S.;
94 conforming cross-references; providing an effective
95 date.

96

97 Be It Enacted by the Legislature of the State of Florida:

98

99 Section 1. The Division of Law Revision and Information is
100 directed to create part III of chapter 509, Florida Statutes,
101 consisting of ss. 509.601-509.608, Florida Statutes, to be
102 entitled "Vacation Rentals."

103 Section 2. Section 509.601, Florida Statutes, is created to
104 read:

105 509.601 Short title.—This part may be cited as the "Florida
106 Vacation Rental Act."

107 Section 3. Section 509.603, Florida Statutes, is created to
108 read:

109 509.603 Legislative findings and purpose; preemption of
110 subject matter; duties.—

111 (1) The Legislature finds that:

112 (a) Property owners who choose to use their property as a
113 vacation rental have constitutionally protected property rights
114 and other rights that must be protected, including the right to



660498

CA.CA.02474

115 use their residential property as a vacation rental;

116 (b) Vacation rentals play a significant, unique, and
117 critical role in Florida's tourism industry, and that role is
118 different from that of public lodging establishments;

119 (c) There are factors unique to the ownership and operation
120 of a vacation rental; and

121 (d) Vacation rentals are residential in nature and, thus,
122 belong in residential neighborhoods.

123 (2) This part is created for the purpose of regulating the
124 factors unique to vacation rentals. The applicable provisions of
125 part I of this chapter are hereby deemed incorporated into this
126 part.

127 (3) All regulation of vacation rentals is preempted to the
128 state unless otherwise provided for in this chapter.

129 (4) The division has the authority to carry out this
130 chapter.

131 (5) The division shall adopt rules pursuant to ss.
132 120.536(1) and 120.54 to implement this part.

133 (6) If any provision of this part is held invalid, it is
134 the legislative intent that the preemption by this section be no
135 longer applicable to the provision of the part held invalid.

136 Section 4. Section 509.604, Florida Statutes, is created to
137 read:

138 509.604 Licenses required; exceptions.—

139 (1) LICENSES; ANNUAL RENEWALS.—Each vacation rental shall
140 obtain a license from the division. Such license may not be
141 transferred from one place or individual to another. It shall be
142 a misdemeanor of the second degree, punishable as provided in s.
143 775.082 or s. 775.083, for such a rental to operate without a



660498

CA.CA.02474

144 license. Local law enforcement shall provide immediate
145 assistance in pursuing an illegally operating vacation rental.
146 The division may refuse to issue a license, or a renewal
147 thereof, to any vacation rental of an operator of which, within
148 the preceding 5 years, has been adjudicated guilty of, or has
149 forfeited a bond when charged with, any crime reflecting on
150 professional character, including soliciting for prostitution,
151 pandering, letting premises for prostitution, keeping a
152 disorderly place, or illegally dealing in controlled substances
153 as defined in chapter 893, whether in this state or in any other
154 jurisdiction within the United States, or has had a license
155 denied, revoked, or suspended pursuant to s. 429.14. Licenses
156 must be renewed annually, and the division shall adopt a rule
157 establishing a staggered schedule for license renewals. If any
158 license expires while administrative charges are pending against
159 the license, the proceedings against the license shall continue
160 to conclusion as if the license were still in effect.

161 (2) APPLICATION FOR LICENSE.—Each person intending to use
162 his or her property as a vacation rental must apply for and
163 receive a license from the division before the commencement of
164 such use.

165 (3) DISPLAY OF LICENSE.—Any license issued by the division
166 must be conspicuously displayed in the vacation rental.

167 Section 5. Section 509.605, Florida Statutes, is created to
168 read:

169 509.605 License fees.—

170 (1) The division shall adopt by rule a fee to be paid by
171 each vacation rental as a prerequisite to issuance or renewal of
172 a license. Vacation rental units within separate buildings or at



660498

CA.CA.02474

173 separate locations but managed by one licensed operator may be
174 combined in a single license application, and the division shall
175 charge a license fee as if all units in the application are a
176 single vacation rental; however, such fee may not exceed \$1,000.
177 The division may only issue a license for a maximum of 75 units
178 under one license. The rule must require a vacation rental that
179 applies for an initial license to pay the full license fee if
180 application is made during the annual renewal period or more
181 than 6 months before the next such renewal period and one-half
182 of the fee if application is made 6 months or less before such
183 period. The rule must also require that fees be collected for
184 the purpose of funding the Hospitality Education Program,
185 pursuant to s. 509.302. Such fees must be payable in full for
186 each application regardless of when the application is
187 submitted.

188 (2) Upon making initial application or an application for
189 change of ownership of a vacation rental, the applicant must pay
190 to the division a fee as prescribed by rule, not to exceed \$50,
191 in addition to any other fees required by law, which must cover
192 all costs associated with initiating regulation of the vacation
193 rental.

194 (3) A license renewal filed with the division after the
195 expiration date must be accompanied by a delinquent fee as
196 prescribed by rule, not to exceed \$50, in addition to the
197 renewal fee and any other fees required by law.

198 Section 6. Section 509.606, Florida Statutes, is created to
199 read:

200 509.606 Revocation or suspension of licenses; fines;
201 procedure.-



660498

CA.CA.02474

202 (1) Any vacation rental operating in violation of this part
203 or the rules of the division, operating without a license, or
204 operating with a suspended or revoked license may be subject by
205 the division to:

206 (a) Fines not to exceed \$1,000 per offense; and

207 (b) The suspension, revocation, or refusal of a license
208 issued pursuant to this chapter.

209 (2) For the purposes of this section, the division may
210 regard as a separate offense each day or portion of a day on
211 which a vacation rental is operated in violation of a "critical
212 law or rule," as that term is defined by rule.

213 (3) The division shall post a prominent closed-for-
214 operation sign on any vacation rental, the license of which has
215 been suspended or revoked. The division shall also post such
216 sign on any vacation rental judicially or administratively
217 determined to be operating without a license. It is a
218 misdemeanor of the second degree, punishable as provided in s.
219 775.082 or s. 775.083, for any person to deface or remove such
220 closed-for-operation sign or for any vacation rental to open for
221 operation without a license or to open for operation while its
222 license is suspended or revoked. The division may impose
223 administrative sanctions for violations of this section.

224 (4) All funds received by the division as satisfaction for
225 administrative fines must be paid into the State Treasury to the
226 credit of the Hotel and Restaurant Trust Fund and may not
227 subsequently be used for payment to any entity performing
228 required inspections under contract with the division.
229 Administrative fines may be used to support division programs
230 pursuant to s. 509.302(1).



660498

CA.CA.02474

231 (5) (a) A license may not be suspended under this section
232 for a period of more than 12 months. At the end of such period
233 of suspension, the vacation rental may apply for reinstatement
234 or renewal of the license. A vacation rental, the license of
235 which is revoked, may not apply for another license for that
236 location before the date on which the revoked license would have
237 expired.

238 (b) The division may fine, suspend, or revoke the license
239 of any vacation rental if an operator knowingly lets, leases, or
240 gives space for unlawful gambling purposes or permits unlawful
241 gambling in such establishment or in or upon any premises which
242 are used in connection with, and are under the same charge,
243 control, or management as, such establishment.

244 (6) The division may fine, suspend, or revoke the license
245 of any vacation rental when:

246 (a) Any person with a direct financial interest in the
247 licensed vacation rental, within the preceding 5 years in this
248 state, any other state, or the United States, has been
249 adjudicated guilty of or forfeited a bond when charged with
250 soliciting for prostitution, pandering, letting premises for
251 prostitution, keeping a disorderly place, illegally dealing in
252 controlled substances as defined in chapter 893, or any other
253 crime reflecting on professional character.

254 (b) The division has deemed such vacation rental to be an
255 imminent danger to the public health and safety for failure to
256 meet sanitation standards, or the division has determined the
257 vacation rental to be unsafe or unfit for human occupancy.

258 (7) A person is not entitled to the issuance of a license
259 for any vacation rental except in the discretion of the director



660498

CA.CA.02474

260 when the division has notified the current licenseholder for
261 such premises that administrative proceedings have been or will
262 be brought against such current licensee for violation of any
263 provision of this chapter or rule of the division.

264 (8) The division may fine, suspend, or revoke the license
265 of any vacation rental when the rental is not in compliance with
266 the requirements of a final order or other administrative action
267 issued against the licensee by the division.

268 (9) The division may refuse to issue or renew the license
269 of any vacation rental until all outstanding fines are paid in
270 full to the division as required by all final orders or other
271 administrative action issued against the licensee by the
272 division.

273 Section 7. Section 509.607, Florida Statutes, is created to
274 read:

275 509.607 Taxes; exemptions.—Vacation rentals are subject to
276 chapter 212 in the same manner as transient rentals. Vacation
277 rentals are exempt from chapter 83 in the same manner as
278 transient rentals. Any person, partnership, corporation, or
279 other legal entity which, for another and for compensation or
280 other valuable consideration, rents or advertises for rent a
281 vacation rental licensed under chapter 509 is exempt from
282 chapter 475.

283 Section 8. Section 509.608, Florida Statutes, is created to
284 read:

285 509.608 Inspection of premises.—

286 (1) Inspection of vacation rentals is preempted to the
287 state, and the division has jurisdiction and is solely
288 responsible for all inspections. The division is solely



660498

CA.CA.02474

289 responsible for quality assurance.

290 (2) For purposes of performing inspections and the
291 enforcement of this chapter, the division has the right of entry
292 and access to a vacation rental at any reasonable time.

293 (3) The division may not establish by rule any regulation
294 governing the design, construction, erection, alteration,
295 modification, repair, or demolition of any vacation rental.

296 (4) Vacation rentals must be made available to the division
297 for inspection upon request. If, during the inspection of a
298 vacation rental, an inspector identifies vulnerable adults who
299 appear to be victims of neglect, as defined in s. 415.102, or,
300 in the case of a building that is not equipped with automatic
301 sprinkler systems, tenants or clients who may be unable to self-
302 preserve in an emergency, the division shall convene meetings
303 with the following agencies as appropriate to the individual
304 situation: the Department of Health, the Department of Elderly
305 Affairs, the area agency on aging, the local fire marshal, the
306 landlord and affected tenants and clients, and other relevant
307 organizations, to develop a plan that improves the prospects for
308 safety of affected residents and, if necessary, identifies
309 alternative living arrangements, such as facilities licensed
310 under part II of chapter 400 or under chapter 429.

311 (5) The division shall inspect vacation rentals whenever
312 necessary to respond to an emergency or epidemiological
313 condition.

314 (6) The division shall inspect each commercial vacation
315 rental at least biannually.

316 Section 9. Section 509.013, Florida Statutes, is reordered
317 and amended to read:



660498

CA.CA.02474

318 509.013 Definitions.—As used in this chapter, the term:

319 (1) "Commercial vacation rental" means a vacation rental,
320 as specified in s. 509.242(1)(c), which:

321 (a) Is managed by one licensed agent under a single
322 license, pursuant to s. 509.251(1), for five or more vacation
323 rental units; or

324 (b) Is part of five or more vacation rental units under
325 common ownership, control, or management, either directly or
326 indirectly.

327 (3)-(1) "Division" means the Division of Hotels and
328 Restaurants of the Department of Business and Professional
329 Regulation.

330 (8)-(2) "Operator" means the owner, licensee, proprietor,
331 lessee, manager, assistant manager, or appointed agent of a
332 public lodging establishment, vacation rental, or public food
333 service establishment.

334 (4)-(3) "Guest" means any patron, customer, tenant, lodger,
335 boarder, or occupant of a public lodging establishment, vacation
336 rental, or public food service establishment.

337 (10)-(4)(a) "Public lodging establishment" includes a
338 transient public lodging establishment as defined in
339 subparagraph 1. and a nontransient public lodging establishment
340 as defined in subparagraph 2.

341 1. "Transient public lodging establishment" means any unit,
342 group of units, dwelling, building, or group of buildings within
343 a single complex of buildings which is rented to guests more
344 than three times in a calendar year for periods of less than 30
345 days or 1 calendar month, whichever is less, or which is
346 advertised or held out to the public as a place regularly rented



660498

CA.CA.02474

347 to guests.

348 2. "Nontransient public lodging establishment" means any
349 unit, group of units, dwelling, building, or group of buildings
350 within a single complex of buildings which is rented to guests
351 for periods of at least 30 days or 1 calendar month, whichever
352 is less, or which is advertised or held out to the public as a
353 place regularly rented to guests for periods of at least 30 days
354 or 1 calendar month.

355

356 License classifications of public lodging establishments, and
357 the definitions therefor, are set out in s. 509.242. For the
358 purpose of licensure, the term does not include condominium
359 common elements as defined in s. 718.103.

360 (b) The following are excluded from the definitions in
361 paragraph (a):

362 1. Any dormitory or other living or sleeping facility
363 maintained by a public or private school, college, or university
364 for the use of students, faculty, or visitors.

365 2. Any facility certified or licensed and regulated by the
366 Agency for Health Care Administration or the Department of
367 Children and Families or other similar place regulated under s.
368 381.0072.

369 3. Any place renting four rental units or less, unless the
370 rental units are advertised or held out to the public to be
371 places that are regularly rented to transients.

372 4. Any unit or group of units in a condominium,
373 cooperative, or timeshare plan and any individually or
374 collectively owned one-family, two-family, three-family, or
375 four-family dwelling house or dwelling unit that is rented for



660498

CA.CA.02474

376 periods of at least 30 days or 1 calendar month, whichever is
377 less, and that is not advertised or held out to the public as a
378 place regularly rented for periods of less than 1 calendar
379 month, provided that no more than four rental units within a
380 single complex of buildings are available for rent.

381 5. Any migrant labor camp or residential migrant housing
382 permitted by the Department of Health under ss. 381.008-
383 381.00895.

384 6. Any establishment inspected by the Department of Health
385 and regulated by chapter 513.

386 7. Any nonprofit organization that operates a facility
387 providing housing only to patients, patients' families, and
388 patients' caregivers and not to the general public.

389 8. Any apartment building inspected by the United States
390 Department of Housing and Urban Development or other entity
391 acting on the department's behalf that is designated primarily
392 as housing for persons at least 62 years of age. The division
393 may require the operator of the apartment building to attest in
394 writing that such building meets the criteria provided in this
395 subparagraph. The division may adopt rules to implement this
396 requirement.

397 9. Any roominghouse, boardinghouse, or other living or
398 sleeping facility that may not be classified as a hotel, motel,
399 timeshare project, ~~vacation rental~~, nontransient apartment, bed
400 and breakfast inn, or transient apartment under s. 509.242.

401 10. Any vacation rental.

402 (9)(5)(a) "Public food service establishment" means any
403 building, vehicle, place, or structure, or any room or division
404 in a building, vehicle, place, or structure where food is



660498

CA.CA.02474

405 prepared, served, or sold for immediate consumption on or in the
406 vicinity of the premises; called for or taken out by customers;
407 or prepared before ~~prior to~~ being delivered to another location
408 for consumption. The term includes a culinary education program,
409 as defined in s. 381.0072(2), which offers, prepares, serves, or
410 sells food to the general public, regardless of whether it is
411 inspected by another state agency for compliance with sanitation
412 standards.

413 (b) The following are excluded from the definition in
414 paragraph (a):

415 1. Any place maintained and operated by a public or private
416 school, college, or university:

417 a. For the use of students and faculty; or

418 b. Temporarily to serve such events as fairs, carnivals,
419 food contests, cook-offs, and athletic contests.

420 2. Any eating place maintained and operated by a church or
421 a religious, nonprofit fraternal, or nonprofit civic
422 organization:

423 a. For the use of members and associates; or

424 b. Temporarily to serve such events as fairs, carnivals,
425 food contests, cook-offs, or athletic contests.

426

427 Upon request by the division, a church or a religious, nonprofit
428 fraternal, or nonprofit civic organization claiming an exclusion
429 under this subparagraph must provide the division documentation
430 of its status as a church or a religious, nonprofit fraternal,
431 or nonprofit civic organization.

432 3. Any eating place maintained and operated by an
433 individual or entity at a food contest, cook-off, or a temporary



660498

CA.CA.02474

434 event lasting from 1 to 3 days which is hosted by a church or a
435 religious, nonprofit fraternal, or nonprofit civic organization.
436 Upon request by the division, the event host must provide the
437 division documentation of its status as a church or a religious,
438 nonprofit fraternal, or nonprofit civic organization.

439 4. Any eating place located on an airplane, train, bus, or
440 watercraft which is a common carrier.

441 5. Any eating place maintained by a facility certified or
442 licensed and regulated by the Agency for Health Care
443 Administration or the Department of Children and Families or
444 other similar place that is regulated under s. 381.0072.

445 6. Any place of business issued a permit or inspected by
446 the Department of Agriculture and Consumer Services under s.
447 500.12.

448 7. Any place of business where the food available for
449 consumption is limited to ice, beverages with or without
450 garnishment, popcorn, or prepackaged items sold without
451 additions or preparation.

452 8. Any theater, if the primary use is as a theater and if
453 patron service is limited to food items customarily served to
454 the admittees of theaters.

455 9. Any vending machine that dispenses any food or beverages
456 other than potentially hazardous foods, as defined by division
457 rule.

458 10. Any vending machine that dispenses potentially
459 hazardous food and which is located in a facility regulated
460 under s. 381.0072.

461 11. Any research and development test kitchen limited to
462 the use of employees and which is not open to the general



660498

CA.CA.02474

463 public.

464 (2)~~(6)~~ "Director" means the Director of the Division of
465 Hotels and Restaurants of the Department of Business and
466 Professional Regulation.

467 (11)~~(7)~~ "Single complex of buildings" means all buildings
468 or structures that are owned, managed, controlled, or operated
469 under one business name and are situated on the same tract or
470 plot of land that is not separated by a public street or
471 highway.

472 (12)~~(8)~~ "Temporary food service event" means any event of
473 30 days or less in duration where food is prepared, served, or
474 sold to the general public.

475 (13)~~(9)~~ "Theme park or entertainment complex" means a
476 complex consisting ~~comprised~~ of at least 25 contiguous acres
477 owned and controlled by the same business entity and which
478 contains permanent exhibitions and a variety of recreational
479 activities and has a minimum of 1 million visitors annually.

480 (14)~~(10)~~ "Third-party provider" means, for purposes of s.
481 509.049, any provider of an approved food safety training
482 program that provides training or such a training program to a
483 public food service establishment that is not under common
484 ownership or control with the provider.

485 (16)~~(11)~~ "Transient establishment" means any public lodging
486 establishment that is rented or leased to guests by an operator
487 whose intention is that such guests' occupancy will be
488 temporary.

489 (17)~~(12)~~ "Transient occupancy" means occupancy when it is
490 the intention of the parties that the occupancy will be
491 temporary. There is a rebuttable presumption that, when the



660498

CA.CA.02474

492 dwelling unit occupied is not the sole residence of the guest,
493 the occupancy is transient.

494 ~~(15)(13)~~ "Transient" means a guest in transient occupancy.

495 ~~(6)(14)~~ "Nontransient establishment" means any public
496 lodging establishment that is rented or leased to guests by an
497 operator whose intention is that the dwelling unit occupied will
498 be the sole residence of the guest.

499 ~~(7)(15)~~ "Nontransient occupancy" means any occupancy in
500 which when it is the intention of the parties that such the
501 occupancy will not be temporary. There is a rebuttable
502 presumption that, when the dwelling unit occupied is the sole
503 residence of the guest, the occupancy is nontransient.

504 ~~(5)(16)~~ "Nontransient" means a guest in nontransient
505 occupancy.

506 (18) "Vacation rental" means any unit in a condominium or
507 cooperative or any individually or collectively owned single-
508 family, two-family, three-family, or four-family house or
509 dwelling unit that is rented to guests for periods of less than
510 6 months.

511 Section 10. Paragraph (a) of subsection (2), paragraph (c)
512 of subsection (3), and subsection (7) of section 509.032,
513 Florida Statutes, are amended to read:

514 509.032 Duties.—

515 (2) INSPECTION OF PREMISES.—

516 (a) The division has jurisdiction and is responsible for
517 all inspections required by this chapter. The inspection of
518 vacation rentals shall be done in accordance with part III of
519 this chapter. The division is responsible for quality assurance.
520 The division shall inspect each licensed public lodging



660498

CA.CA.02474

521 establishment at least biannually, except for transient and
522 nontransient apartments, which shall be inspected at least
523 annually. Each establishment licensed by the division shall be
524 inspected at such other times as the division determines is
525 necessary to ensure the public's health, safety, and welfare.
526 The division shall adopt by rule a risk-based inspection
527 frequency for each licensed public food service establishment.
528 The rule must require at least one, but not more than four,
529 routine inspections that must be performed annually, and may
530 include guidelines that consider the inspection and compliance
531 history of a public food service establishment, the type of food
532 and food preparation, and the type of service. The division
533 shall reassess the inspection frequency of all licensed public
534 food service establishments at least annually. Public lodging
535 units classified as ~~vacation rentals or~~ timeshare projects are
536 not subject to this requirement but shall be made available to
537 the division upon request. If, during the inspection of a public
538 lodging establishment classified for renting to transient or
539 nontransient tenants, an inspector identifies vulnerable adults
540 who appear to be victims of neglect, as defined in s. 415.102,
541 or, in the case of a building that is not equipped with
542 automatic sprinkler systems, tenants or clients who may be
543 unable to self-preserve in an emergency, the division shall
544 convene meetings with the following agencies as appropriate to
545 the individual situation: the Department of Health, the
546 Department of Elderly Affairs, the area agency on aging, the
547 local fire marshal, the landlord and affected tenants and
548 clients, and other relevant organizations, to develop a plan
549 that improves the prospects for safety of affected residents



660498

CA.CA.02474

550 and, if necessary, identifies alternative living arrangements
551 such as facilities licensed under part II of chapter 400 or
552 under chapter 429.

553 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE
554 EVENTS.—The division shall:

555 (c) Administer a public notification process for temporary
556 food service events and distribute educational materials that
557 address safe food storage, preparation, and service procedures.

558 1. Sponsors of temporary food service events shall notify
559 the division not less than 3 days before the scheduled event of
560 the type of food service proposed, the time and location of the
561 event, a complete list of food service vendors participating in
562 the event, the number of individual food service facilities each
563 vendor will operate at the event, and the identification number
564 of each food service vendor's current license as a public food
565 service establishment or temporary food service event licensee.
566 Notification may be completed orally, by telephone, in person,
567 or in writing. A public food service establishment or food
568 service vendor may not use this notification process to
569 circumvent the license requirements of this chapter.

570 2. The division shall keep a record of all notifications
571 received for proposed temporary food service events and shall
572 provide appropriate educational materials to the event sponsors
573 and notify the event sponsors of the availability of the food-
574 recovery brochure developed under s. 595.420.

575 3.a. Unless excluded under s. 509.013(9)(b) ~~s.~~
576 ~~509.013(5)(b)~~, a public food service establishment or other food
577 service vendor must obtain one of the following classes of
578 license from the division: an individual license, for a fee of



660498

CA.CA.02474

579 no more than \$105, for each temporary food service event in
580 which it participates; or an annual license, for a fee of no
581 more than \$1,000, that entitles the licensee to participate in
582 an unlimited number of food service events during the license
583 period. The division shall establish license fees, by rule, and
584 may limit the number of food service facilities a licensee may
585 operate at a particular temporary food service event under a
586 single license.

587 b. Public food service establishments holding current
588 licenses from the division may operate under the regulations of
589 such a license at temporary food service events.

590 (7) LOCAL REGULATION ~~PREEMPTION AUTHORITY.~~-

591 (a) The regulation of public lodging establishments and
592 public food service establishments, including, but not limited
593 to, sanitation standards, inspections, training and testing of
594 personnel, and matters related to the nutritional content and
595 marketing of foods offered in such establishments, is preempted
596 to the state. This paragraph does not preempt the authority of a
597 local government or local enforcement district to conduct
598 inspections of public lodging and public food service
599 establishments for compliance with the Florida Building Code and
600 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
601 633.206.

602 (b) 1. A local government may regulate activities that arise
603 when a property is used as a vacation rental, provided such
604 regulation applies uniformly to all residential properties
605 without regard to whether the property is used as a vacation
606 rental or as a long-term rental subject to part II of chapter 83
607 or whether a property owner chooses not to rent the property.



660498

CA.CA.02474

608 2. A local government may require a vacation rental owner
609 to submit a copy of the vacation rental license required under
610 this chapter, a copy of the certificate of registration required
611 under s. 212.18, and the owner's emergency contact information.
612 The submission of such documents and information is for
613 informational purposes only. The local government may assess a
614 reasonable fee for the submission and may assess fines for
615 failure to comply. For the purposes of this subparagraph only, a
616 vacation rental also includes any part of a unit in a
617 condominium or cooperative or any individually or collectively
618 owned single-family, two-family, three-family, or four-family
619 house or dwelling unit that is rented to guests for periods of
620 less than 6 months.

621 (c) A local law, ordinance, or regulation may not prohibit
622 vacation rentals or regulate the duration or frequency of rental
623 of vacation rentals. This paragraph does not apply to any local
624 law, ordinance, or regulation adopted on or before June 1, 2011,
625 including when such law, ordinance, or regulation is being
626 amended to be less restrictive.

627 (d) ~~(e)~~ Paragraph (c) ~~(b)~~ does not apply to any local law,
628 ordinance, or regulation exclusively relating to property
629 valuation as a criterion for vacation rental if the local law,
630 ordinance, or regulation is required to be approved by the state
631 land planning agency pursuant to an area of critical state
632 concern designation.

633 Section 11. Subsection (12) of section 159.27, Florida
634 Statutes, is amended to read:

635 159.27 Definitions.—The following words and terms, unless
636 the context clearly indicates a different meaning, shall have



660498

CA.CA.02474

637 the following meanings:

638 (12) "Public lodging or restaurant facility" means property
639 used for any public lodging establishment as defined in s.
640 509.242 or public food service establishment as defined in s.
641 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
642 necessary to, another facility qualifying under this part.

643 Section 12. Paragraph (jj) of subsection (7) of section
644 212.08, Florida Statutes, is amended to read:

645 212.08 Sales, rental, use, consumption, distribution, and
646 storage tax; specified exemptions.—The sale at retail, the
647 rental, the use, the consumption, the distribution, and the
648 storage to be used or consumed in this state of the following
649 are hereby specifically exempt from the tax imposed by this
650 chapter.

651 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
652 entity by this chapter do not inure to any transaction that is
653 otherwise taxable under this chapter when payment is made by a
654 representative or employee of the entity by any means,
655 including, but not limited to, cash, check, or credit card, even
656 when that representative or employee is subsequently reimbursed
657 by the entity. In addition, exemptions provided to any entity by
658 this subsection do not inure to any transaction that is
659 otherwise taxable under this chapter unless the entity has
660 obtained a sales tax exemption certificate from the department
661 or the entity obtains or provides other documentation as
662 required by the department. Eligible purchases or leases made
663 with such a certificate must be in strict compliance with this
664 subsection and departmental rules, and any person who makes an
665 exempt purchase with a certificate that is not in strict



660498

CA.CA.02474

666 compliance with this subsection and the rules is liable for and
667 shall pay the tax. The department may adopt rules to administer
668 this subsection.

669 (jj) *Complimentary meals.*—Also exempt from the tax imposed
670 by this chapter are food or drinks that are furnished as part of
671 a packaged room rate by any person offering for rent or lease
672 any transient living accommodations as described in s.
673 509.013(10) (a) ~~s. 509.013(4) (a)~~ which are licensed under part I
674 of chapter 509 and which are subject to the tax under s. 212.03,
675 if a separate charge or specific amount for the food or drinks
676 is not shown. Such food or drinks are considered to be sold at
677 retail as part of the total charge for the transient living
678 accommodations. Moreover, the person offering the accommodations
679 is not considered to be the consumer of items purchased in
680 furnishing such food or drinks and may purchase those items
681 under conditions of a sale for resale.

682 Section 13. Paragraph (b) of subsection (4) of section
683 316.1955, Florida Statutes, is amended to read:

684 316.1955 Enforcement of parking requirements for persons
685 who have disabilities.—

686 (4)

687 (b) Notwithstanding paragraph (a), a theme park or ~~an~~
688 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
689 which provides parking in designated areas for persons who have
690 disabilities may allow any vehicle that is transporting a person
691 who has a disability to remain parked in a space reserved for
692 persons who have disabilities throughout the period the theme
693 park is open to the public for that day.

694 Section 14. Subsection (5) of section 404.056, Florida



660498

CA.CA.02474

695 Statutes, is amended to read:

696 404.056 Environmental radiation standards and projects;
697 certification of persons performing measurement or mitigation
698 services; mandatory testing; notification on real estate
699 documents; rules.—

700 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification
701 shall be provided on at least one document, form, or application
702 executed at the time of, or prior to, contract for sale and
703 purchase of any building or execution of a rental agreement for
704 any building. Such notification shall contain the following
705 language:

706
707 "RADON GAS: Radon is a naturally occurring radioactive gas
708 that, when it has accumulated in a building in sufficient
709 quantities, may present health risks to persons who are exposed
710 to it over time. Levels of radon that exceed federal and state
711 guidelines have been found in buildings in Florida. Additional
712 information regarding radon and radon testing may be obtained
713 from your county health department."

714
715 The requirements of this subsection do not apply to any
716 residential transient occupancy, as described in s. 509.013(17)
717 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less
718 in duration.

719 Section 15. Subsection (6) of section 477.0135, Florida
720 Statutes, is amended to read:

721 477.0135 Exemptions.—

722 (6) A license is not required of any individual providing
723 makeup or special effects services in a theme park or



660498

CA.CA.02474

724 entertainment complex to an actor, stunt person, musician,
725 extra, or other talent, or providing makeup or special effects
726 services to the general public. The term "theme park or
727 entertainment complex" has the same meaning as in s. 509.013 ~~or~~
728 ~~509.013(9)~~.

729 Section 16. Subsection (1) of section 509.072, Florida
730 Statutes, is amended to read:

731 509.072 Hotel and Restaurant Trust Fund; collection and
732 disposition of moneys received.—

733 (1) There is created a Hotel and Restaurant Trust Fund to
734 be used for the administration and operation of the division and
735 the carrying out of all laws and rules under the jurisdiction of
736 the division pertaining to the construction, maintenance, and
737 operation of public lodging establishments, vacation rentals,
738 and public food service establishments, including the inspection
739 of elevators as required under chapter 399. All funds collected
740 by the division and the amounts paid for licenses and fees shall
741 be deposited in the State Treasury into the Hotel and Restaurant
742 Trust Fund.

743 Section 17. Section 509.091, Florida Statutes, is amended
744 to read:

745 509.091 Notices; form and service.—

746 (1) Each notice served by the division pursuant to this
747 chapter must be in writing and must be delivered personally by
748 an agent of the division or by registered letter to the operator
749 of the public lodging establishment, vacation rental, or public
750 food service establishment. If the operator refuses to accept
751 service or evades service or the agent is otherwise unable to
752 effect service after due diligence, the division may post such



660498

CA.CA.02474

753 notice in a conspicuous place at the establishment.

754 (2) Notwithstanding subsection (1), the division may
755 deliver lodging inspection reports and food service inspection
756 reports to the operator of the public lodging establishment,
757 vacation rental, or public food service establishment by
758 electronic means.

759 Section 18. Section 509.095, Florida Statutes, is amended
760 to read:

761 509.095 Accommodations at public lodging establishments or
762 vacation rentals for individuals with a valid military
763 identification card.—Upon the presentation of a valid military
764 identification card by an individual who is currently on active
765 duty as a member of the United States Armed Forces, National
766 Guard, Reserve Forces, or Coast Guard, and who seeks to obtain
767 accommodations at a hotel, motel, or bed and breakfast inn, as
768 defined in s. 509.242, or vacation rental, such hotel, motel, ~~or~~
769 bed and breakfast inn, or vacation rental shall waive any
770 minimum age policy that it may have which restricts
771 accommodations to individuals based on age. Duplication of a
772 military identification card presented pursuant to this section
773 is prohibited.

774 Section 19. Subsection (1) of section 509.101, Florida
775 Statutes, is amended to read:

776 509.101 Establishment rules; posting of notice; food
777 service inspection report; maintenance of guest register; mobile
778 food dispensing vehicle registry.—

779 (1) Any operator of a public lodging establishment,
780 vacation rental, or ~~a~~ public food service establishment may
781 establish reasonable rules and regulations for the management of



660498

CA.CA.02474

782 the establishment and its guests and employees; and each guest
783 or employee staying, sojourning, eating, or employed in the
784 establishment shall conform to and abide by such rules and
785 regulations so long as the guest or employee remains in or at
786 the establishment. Such rules and regulations shall be deemed to
787 be a special contract between the operator and each guest or
788 employee using the services or facilities of the operator. Such
789 rules and regulations shall control the liabilities,
790 responsibilities, and obligations of all parties. Any rules or
791 regulations established pursuant to this section shall be
792 printed in the English language and posted in a prominent place
793 within such public lodging establishment, vacation rental, or
794 public food service establishment. In addition, any operator of
795 a public food service establishment shall maintain a copy of the
796 latest food service inspection report and shall make it
797 available to the division at the time of any division inspection
798 of the establishment and to the public, upon request.

799 Section 20. Section 509.111, Florida Statutes, is amended
800 to read:

801 509.111 Liability for property of guests.—

802 (1) The operator of a public lodging establishment or
803 vacation rental is not under any obligation to accept for
804 safekeeping any moneys, securities, jewelry, or precious stones
805 of any kind belonging to any guest, and, if such are accepted
806 for safekeeping, the operator is not liable for the loss thereof
807 unless such loss was the proximate result of fault or negligence
808 of the operator. However, the liability of the operator shall be
809 limited to \$1,000 for such loss, if the public lodging
810 establishment or vacation rental gave a receipt for the property



660498

CA.CA.02474

811 (stating the value) on a form which stated, in type large enough
812 to be clearly noticeable, that the public lodging establishment
813 or vacation rental was not liable for any loss exceeding \$1,000
814 and was only liable for that amount if the loss was the
815 proximate result of fault or negligence of the operator.

816 (2) The operator of a public lodging establishment or
817 vacation rental is not liable or responsible to any guest for
818 the loss of wearing apparel, goods, or other property, except as
819 provided in subsection (1), unless such loss occurred as the
820 proximate result of fault or negligence of such operator, and,
821 in case of fault or negligence, the operator is not liable for a
822 greater sum than \$500, unless the guest, before ~~prior to~~ the
823 loss or damage, files with the operator an inventory of the
824 guest's effects and the value thereof and the operator is given
825 the opportunity to inspect such effects and check them against
826 such inventory. The operator of a public lodging establishment
827 or vacation rental is not liable or responsible to any guest for
828 the loss of effects listed in such inventory in a total amount
829 exceeding \$1,000.

830 Section 21. Section 509.141, Florida Statutes, is amended
831 to read:

832 509.141 Refusal of admission and ejection of undesirable
833 guests; notice; procedure; penalties for refusal to leave.-

834 (1) The operator of any public lodging establishment,
835 vacation rental, or public food service establishment may remove
836 or cause to be removed from such establishment, in the manner
837 hereinafter provided, any guest of the establishment who, while
838 on the premises of the establishment, illegally possesses or
839 deals in controlled substances as defined in chapter 893 or is



660498

CA.CA.02474

840 intoxicated, profane, lewd, or brawling; who indulges in any
841 language or conduct which disturbs the peace and comfort of
842 other guests or which injures the reputation, dignity, or
843 standing of the establishment; who, in the case of a public
844 lodging establishment or vacation rental, fails to make payment
845 of rent at the agreed-upon rental rate by the agreed-upon
846 checkout time; who, in the case of a public lodging
847 establishment or vacation rental, fails to check out by the time
848 agreed upon in writing by the guest and public lodging
849 establishment or vacation rental at check-in unless an extension
850 of time is agreed to by the public lodging establishment or
851 vacation rental and guest before ~~prior to~~ checkout; who, in the
852 case of a public food service establishment, fails to make
853 payment for food, beverages, or services; or who, in the opinion
854 of the operator, is a person the continued entertainment of whom
855 would be detrimental to such establishment. The admission to, or
856 the removal from, such establishment may ~~shall~~ not be based upon
857 race, creed, color, sex, physical disability, or national
858 origin.

859 (2) The operator of any public lodging establishment,
860 vacation rental, or public food service establishment shall
861 notify such guest that the establishment no longer desires to
862 entertain the guest and shall request that such guest
863 immediately depart from the establishment. Such notice may be
864 given orally or in writing. If the notice is in writing, it
865 shall be as follows:

866

867 "You are hereby notified that this establishment no longer
868 desires to entertain you as its guest, and you are requested to



660498

CA.CA.02474

869 leave at once. To remain after receipt of this notice is a
870 misdemeanor under the laws of this state.”

871
872 If such guest has paid in advance, the establishment shall, at
873 the time such notice is given, tender to such guest the unused
874 portion of the advance payment; however, the establishment may
875 withhold payment for each full day that the guest has been
876 entertained at the establishment for any portion of the 24-hour
877 period of such day.

878 (3) Any guest who remains or attempts to remain in any such
879 establishment after being requested to leave commits ~~is guilty~~
880 ~~of~~ a misdemeanor of the second degree, punishable as provided in
881 s. 775.082 or s. 775.083.

882 (4) If any person is illegally on the premises of any
883 public lodging establishment, vacation rental, or public food
884 service establishment, the operator of such establishment may
885 call upon any law enforcement officer of this state for
886 assistance. It is the duty of such law enforcement officer, upon
887 the request of such operator, to place under arrest and take
888 into custody for violation of this section any guest who
889 violates subsection (3) in the presence of the officer. If a
890 warrant has been issued by the proper judicial officer for the
891 arrest of any violator of subsection (3), the officer shall
892 serve the warrant, arrest the person, and take the person into
893 custody. Upon arrest, with or without warrant, the guest will be
894 deemed to have given up any right to occupancy or to have
895 abandoned such right of occupancy of the premises, and the
896 operator of the establishment may then make such premises
897 available to other guests. However, the operator of the



660498

CA.CA.02474

898 establishment shall employ all reasonable and proper means to
899 care for any personal property which may be left on the premises
900 by such guest and shall refund any unused portion of moneys paid
901 by such guest for the occupancy of such premises.

902 Section 22. Section 509.142, Florida Statutes, is amended
903 to read:

904 509.142 Conduct on premises; refusal of service.—The
905 operator of a public lodging establishment, vacation rental, or
906 public food service establishment may refuse accommodations or
907 service to any person whose conduct on the premises of the
908 establishment displays intoxication, profanity, lewdness, or
909 brawling; who indulges in language or conduct such as to disturb
910 the peace or comfort of other guests; who engages in illegal or
911 disorderly conduct; who illegally possesses or deals in
912 controlled substances as defined in chapter 893; or whose
913 conduct constitutes a nuisance. Such refusal may not be based
914 upon race, creed, color, sex, physical disability, or national
915 origin.

916 Section 23. Section 509.144, Florida Statutes, is amended
917 to read:

918 509.144 Prohibited handbill distribution in a public
919 lodging establishment or vacation rental; penalties.—

920 (1) As used in this section, the term:

921 (a) "Handbill" means a flier, leaflet, pamphlet, or other
922 written material that advertises, promotes, or informs persons
923 about a person, business, company, or food service establishment
924 but does not include employee communications permissible under
925 the National Labor Relations Act, other communications protected
926 by the First Amendment to the United States Constitution, or



660498

CA.CA.02474

927 communications about public health, safety, or welfare
928 distributed by a federal, state, or local governmental entity or
929 a public or private utility.

930 (b) "Without permission" means without the expressed
931 written permission of the owner, manager, or agent of the owner
932 or manager of the public lodging establishment or vacation
933 rental where a sign is posted prohibiting advertising or
934 solicitation in the manner provided in subsection (5).

935 (c) "At or in a public lodging establishment or vacation
936 rental" means any property under the sole ownership or control
937 of a public lodging establishment or vacation rental.

938 (2) Any person, agent, contractor, or volunteer who is
939 acting on behalf of a person, business, company, or food service
940 establishment and who, without permission, delivers,
941 distributes, or places, or attempts to deliver, distribute, or
942 place, a handbill at or in a public lodging establishment or
943 vacation rental commits a misdemeanor of the first degree,
944 punishable as provided in s. 775.082 or s. 775.083.

945 (3) Any person who, without permission, directs another
946 person to deliver, distribute, or place, or attempts to deliver,
947 distribute, or place, a handbill at or in a public lodging
948 establishment or vacation rental commits a misdemeanor of the
949 first degree, punishable as provided in s. 775.082 or s.
950 775.083. Any person sentenced under this subsection shall be
951 ordered to pay a minimum fine of \$500 in addition to any other
952 penalty imposed by the court.

953 (4) In addition to any penalty imposed by the court, a
954 person who violates subsection (2) or subsection (3) must:

955 (a) ~~shall~~ Pay a minimum fine of \$2,000 for a second



660498

CA.CA.02474

956 violation.

957 (b) ~~Shall~~ Pay a minimum fine of \$3,000 for a third or
958 subsequent violation.

959 (5) For purposes of this section, a public lodging
960 establishment or vacation rental that intends to prohibit
961 advertising or solicitation, as described in this section, at or
962 in such establishment must comply with the following
963 requirements when posting a sign prohibiting such solicitation
964 or advertising:

965 (a) There must appear prominently on any sign referred to
966 in this subsection, in letters of not less than 2 inches in
967 height, the terms "no advertising" or "no solicitation" or terms
968 that indicate the same meaning.

969 (b) The sign must be posted conspicuously.

970 (c) If the main office of a ~~the~~ public lodging
971 establishment is immediately accessible by entering the office
972 through a door from a street, parking lot, grounds, or other
973 area outside such establishment, the sign must be placed on a
974 part of the main office, such as a door or window, and the sign
975 must face the street, parking lot, grounds, or other area
976 outside such establishment.

977 (d) If the main office of a ~~the~~ public lodging
978 establishment is not immediately accessible by entering the
979 office through a door from a street, parking lot, grounds, or
980 other area outside such establishment, the sign must be placed
981 in the immediate vicinity of the main entrance to such
982 establishment, and the sign must face the street, parking lot,
983 grounds, or other area outside such establishment.

984 (6) Any personal property, including, but not limited to,



660498

CA.CA.02474

985 any vehicle, item, object, tool, device, weapon, machine, money,
986 security, book, or record, that is used or attempted to be used
987 as an instrumentality in the commission of, or in aiding and
988 abetting in the commission of, a person's third or subsequent
989 violation of this section, whether or not comprising an element
990 of the offense, is subject to seizure and forfeiture under the
991 Florida Contraband Forfeiture Act.

992 Section 24. Subsections (1), (2), and (3) of section
993 509.162, Florida Statutes, are amended to read:

994 509.162 Theft of personal property; detaining and arrest of
995 violator; theft by employee.-

996 (1) Any law enforcement officer or operator of a public
997 lodging establishment, vacation rental, or public food service
998 establishment who has probable cause to believe that theft of
999 personal property belonging to such establishment has been
1000 committed by a person and that the officer or operator can
1001 recover such property or the reasonable value thereof by taking
1002 the person into custody may, for the purpose of attempting to
1003 effect such recovery or for prosecution, take such person into
1004 custody on the premises and detain such person in a reasonable
1005 manner and for a reasonable period of time. If the operator
1006 takes the person into custody, a law enforcement officer shall
1007 be called to the scene immediately. The taking into custody and
1008 detention by a law enforcement officer or operator of a public
1009 lodging establishment, vacation rental, or public food service
1010 establishment, if done in compliance with this subsection, does
1011 not render such law enforcement officer or operator criminally
1012 or civilly liable for false arrest, false imprisonment, or
1013 unlawful detention.



660498

CA.CA.02474

1014 (2) Any law enforcement officer may arrest, either on or
1015 off the premises and without warrant, any person if there is
1016 probable cause to believe that person has committed theft in a
1017 public lodging establishment, vacation rental, or ~~in a~~ public
1018 food service establishment.

1019 (3) Any person who resists the reasonable effort of a law
1020 enforcement officer or operator of a public lodging
1021 establishment, vacation rental, or public food service
1022 establishment to recover property which the law enforcement
1023 officer or operator had probable cause to believe had been
1024 stolen from the public lodging establishment, vacation rental,
1025 or public food service establishment, and who is subsequently
1026 found to be guilty of theft of the subject property, is guilty
1027 of a misdemeanor of the first degree, punishable as provided in
1028 s. 775.082 or s. 775.083, unless such person did not know, or
1029 did not have reason to know, that the person seeking to recover
1030 the property was a law enforcement officer or the operator. For
1031 purposes of this section, the charge of theft and the charge of
1032 resisting apprehension may be tried concurrently.

1033 Section 25. Section 509.2015, Florida Statutes, is amended
1034 to read:

1035 509.2015 Telephone surcharges by public lodging
1036 establishments and vacation rentals.-

1037 (1) A public lodging establishment or vacation rental that
1038 ~~which~~ imposes a surcharge for any telephone call must post
1039 notice of such surcharge in a conspicuous place located by each
1040 telephone from which a call which is subject to a surcharge may
1041 originate. Such notice must be plainly visible and printed on a
1042 sign that is not less than 3 inches by 5 inches in size, and



660498

CA.CA.02474

1043 such notice shall clearly state if the surcharge applies whether
1044 or not the telephone call has been attempted or completed.

1045 (2) The division may, pursuant to s. 509.261 or s. 509.606,
1046 suspend or revoke the license of, or impose a fine against, any
1047 public lodging establishment or vacation rental that violates
1048 subsection (1).

1049 Section 26. Subsections (1), (2), and (3) of section
1050 509.211, Florida Statutes, are amended to read:

1051 509.211 Safety regulations.—

1052 (1) Each bedroom or apartment in each public lodging
1053 establishment or vacation rental must ~~shall~~ be equipped with an
1054 approved locking device on each door opening to the outside, to
1055 an adjoining room or apartment, or to a hallway.

1056 (2)(a) It is unlawful for any person to use within any
1057 public lodging establishment, vacation rental, or public food
1058 service establishment any fuel-burning wick-type equipment for
1059 space heating unless such equipment is vented so as to prevent
1060 the accumulation of toxic or injurious gases or liquids.

1061 (b) Any person who violates ~~the provisions of~~ paragraph (a)
1062 commits a misdemeanor of the second degree, punishable as
1063 provided in s. 775.082 or s. 775.083.

1064 (3) Each public lodging establishment or vacation rental
1065 that is three or more stories in height must have safe and
1066 secure railings on all balconies, platforms, and stairways, and
1067 all such railings must be properly maintained and repaired. The
1068 division may impose administrative sanctions for violations of
1069 this subsection pursuant to s. 509.261.

1070 Section 27. Section 509.2112, Florida Statutes, is amended
1071 to read:



660498

CA.CA.02474

1072 509.2112 Public lodging establishments and vacation rentals
1073 three stories or more in height; inspection rules.—The Division
1074 of Hotels and Restaurants of the Department of Business and
1075 Professional Regulation is directed to provide rules to require
1076 that:

1077 (1) Every public lodging establishment or vacation rental
1078 that is three stories or more in height in the state file a
1079 certificate stating that any and all balconies, platforms,
1080 stairways, and railways have been inspected by a person
1081 competent to conduct such inspections and are safe, secure, and
1082 free of defects.

1083 (2) The information required under subsection (1) be filed
1084 commencing January 1, 1991, and every 3 years thereafter, with
1085 the Division of Hotels and Restaurants and the applicable county
1086 or municipal authority responsible for building and zoning
1087 permits.

1088 (3) If a public lodging establishment or vacation rental
1089 that is three or more stories in height fails to file the
1090 information required in subsection (1), the Division of Hotels
1091 and Restaurants shall impose administrative sanctions pursuant
1092 to s. 509.261.

1093 Section 28. Subsections (2) and (3), paragraph (a) of
1094 subsection (4), and subsection (6) of section 509.215, Florida
1095 Statutes, are amended to read:

1096 509.215 Firesafety.—

1097 (2) Any public lodging establishment or vacation rental, as
1098 defined in this chapter, which is of three stories or more and
1099 for which the construction contract was let before October 1,
1100 1983, shall be equipped with:



660498

CA.CA.02474

- 1101 (a) A system which complies with subsection (1); or
1102 (b) An approved sprinkler system for all interior
1103 corridors, public areas, storage rooms, closets, kitchen areas,
1104 and laundry rooms, less individual guest rooms, if the following
1105 conditions are met:
- 1106 1. There is a minimum 1-hour separation between each guest
1107 room and between each guest room and a corridor.
 - 1108 2. The building is constructed of noncombustible materials.
 - 1109 3. The egress conditions meet the requirements of s. 5-3 of
1110 the Life Safety Code, NFPA 101.
 - 1111 4. The building has a complete automatic fire detection
1112 system which meets the requirements of NFPA-72A and NFPA-72E,
1113 including smoke detectors in each guest room individually
1114 annunciating to a panel at a supervised location.
- 1115 (3) Notwithstanding any other provision of law to the
1116 contrary, this section applies only to those public lodging
1117 establishments and vacation rentals in a building wherein more
1118 than 50 percent of the units in the building are advertised or
1119 held out to the public as available for transient occupancy.
- 1120 (4) (a) Special exception to the provisions of this section
1121 shall be made for a public lodging establishment or vacation
1122 rental structure that is individually listed in the National
1123 Register of Historic Places pursuant to the National Historic
1124 Preservation Act of 1966, as amended; or is a contributing
1125 property to a National Register-listed district; or is
1126 designated as a historic property, or as a contributing property
1127 to a historic district under the terms of a local preservation
1128 ordinance.
- 1129 (6) Specialized smoke detectors for the deaf and hearing



660498

CA.CA.02474

1130 impaired shall be available upon request by guests in public
1131 lodging establishments or vacation rentals at a rate of at least
1132 one such smoke detector per 50 dwelling units or portions
1133 thereof, not to exceed five such smoke detectors per public
1134 lodging facility.

1135 Section 29. Paragraph (b) of subsection (2) and subsection
1136 (9) of section 509.221, Florida Statutes, are amended to read:
1137 509.221 Sanitary regulations.—

1138 (2)

1139 (b) Within a theme park or entertainment complex as defined
1140 in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to
1141 be in the same building as the public food service
1142 establishment, so long as they are reasonably accessible.

1143 (9) Subsections (2), (5), and (6) do not apply to any
1144 facility or unit classified as a ~~vacation rental~~, nontransient
1145 apartment, or timeshare project as described in s. 509.242(1)(c)
1146 and (f) ~~s. 509.242(1)(c), (d), and (g)~~.

1147 Section 30. Subsection (2) of section 509.241, Florida
1148 Statutes, is amended to read:

1149 509.241 Licenses required; exceptions.—

1150 (2) APPLICATION FOR LICENSE.—Each person who plans to open
1151 a public lodging establishment or a public food service
1152 establishment shall apply for and receive a license from the
1153 division before ~~prior to~~ the commencement of operation. A
1154 condominium association, as defined in s. 718.103, which does
1155 not own any units classified as a timeshare project ~~vacation~~
1156 ~~rentals or timeshare projects~~ under s. 509.242(1)(f) or as a
1157 vacation rental ~~s. 509.242(1)(c) or (g)~~ is not required to apply
1158 for or receive a public lodging establishment license.



660498

CA.CA.02474

1159 Section 31. Subsection (1) of section 509.242, Florida
1160 Statutes, is amended to read:

1161 509.242 Public lodging establishments; classifications.—

1162 (1) A public lodging establishment is ~~shall be~~ classified
1163 as a hotel, motel, nontransient apartment, transient apartment,
1164 bed and breakfast inn, or timeshare project, ~~or vacation rental~~
1165 if the establishment satisfies the following criteria:

1166 (a) *Hotel*.—A hotel is any public lodging establishment
1167 containing sleeping room accommodations for 25 or more guests
1168 and providing the services generally provided by a hotel and
1169 recognized as a hotel in the community in which it is situated
1170 or by the industry.

1171 (b) *Motel*.—A motel is any public lodging establishment
1172 which offers rental units with an exit to the outside of each
1173 rental unit, daily or weekly rates, offstreet parking for each
1174 unit, a central office on the property with specified hours of
1175 operation, a bathroom or connecting bathroom for each rental
1176 unit, and at least six rental units, and which is recognized as
1177 a motel in the community in which it is situated or by the
1178 industry.

1179 (c) ~~*Vacation rental*.—A vacation rental is any unit or group~~
1180 ~~of units in a condominium or cooperative or any individually or~~
1181 ~~collectively owned single-family, two-family, three-family, or~~
1182 ~~four-family house or dwelling unit that is also a transient~~
1183 ~~public lodging establishment but that is not a timeshare~~
1184 ~~project.~~

1185 (d) *Nontransient apartment*.—A nontransient apartment is a
1186 building or complex of buildings in which 75 percent or more of
1187 the units are available for rent to nontransient tenants.



660498

CA.CA.02474

1188 (d)~~(e)~~ *Transient apartment.*—A transient apartment is a
1189 building or complex of buildings in which more than 25 percent
1190 of the units are advertised or held out to the public as
1191 available for transient occupancy.

1192 (e)~~(f)~~ *Bed and breakfast inn.*—A bed and breakfast inn is a
1193 family home structure, with no more than 15 sleeping rooms,
1194 which has been modified to serve as a transient public lodging
1195 establishment, which provides the accommodation and meal
1196 services generally offered by a bed and breakfast inn, and which
1197 is recognized as a bed and breakfast inn in the community in
1198 which it is situated or by the hospitality industry.

1199 (f)~~(g)~~ *Timeshare project.*—A timeshare project is a
1200 timeshare property, as defined in chapter 721, that is located
1201 in this state and that is also a transient public lodging
1202 establishment.

1203 Section 32. Subsection (1) of section 509.251, Florida
1204 Statutes, is amended to read:

1205 509.251 License fees.—

1206 (1) The division shall adopt, by rule, a schedule of fees
1207 to be paid by each public lodging establishment as a
1208 prerequisite to issuance or renewal of a license. Such fees
1209 shall be based on the number of rental units in the
1210 establishment. The aggregate fee per establishment charged any
1211 public lodging establishment may not exceed \$1,000; however, the
1212 fees described in paragraphs (a) and (b) may not be included as
1213 part of the aggregate fee subject to this cap. ~~Vacation rental~~
1214 ~~units or~~ Timeshare projects within separate buildings or at
1215 separate locations but managed by one licensed agent may be
1216 combined in a single license application, and the division shall



660498

CA.CA.02474

1217 charge a license fee as if all units in the application are in a
1218 single licensed establishment. The fee schedule shall require an
1219 establishment which applies for an initial license to pay the
1220 full license fee if application is made during the annual
1221 renewal period or more than 6 months before the next such
1222 renewal period and one-half of the fee if application is made 6
1223 months or less before such period. The fee schedule shall
1224 include fees collected for the purpose of funding the
1225 Hospitality Education Program, pursuant to s. 509.302, which are
1226 payable in full for each application regardless of when the
1227 application is submitted.

1228 (a) Upon making initial application or an application for
1229 change of ownership, the applicant shall pay to the division a
1230 fee as prescribed by rule, not to exceed \$50, in addition to any
1231 other fees required by law, which shall cover all costs
1232 associated with initiating regulation of the establishment.

1233 (b) A license renewal filed with the division after the
1234 expiration date shall be accompanied by a delinquent fee as
1235 prescribed by rule, not to exceed \$50, in addition to the
1236 renewal fee and any other fees required by law.

1237 Section 33. Subsection (1) of section 509.281, Florida
1238 Statutes, is amended to read:

1239 509.281 Prosecution for violation; duty of state attorney;
1240 penalties.—

1241 (1) The division or an agent of the division, upon
1242 ascertaining by inspection that any public lodging
1243 establishment, vacation rental, or public food service
1244 establishment is being operated contrary to the provisions of
1245 this chapter, shall make complaint and cause the arrest of the



660498

CA.CA.02474

1246 violator, and the state attorney, upon request of the division
1247 or agent, shall prepare all necessary papers and conduct the
1248 prosecution. The division shall proceed in the courts by
1249 mandamus or injunction whenever such proceedings may be
1250 necessary to the proper enforcement of the provisions of this
1251 chapter, of the rules adopted pursuant hereto, or of orders of
1252 the division.

1253 Section 34. Paragraph (a) of subsection (2) of section
1254 509.302, Florida Statutes, is amended to read:

1255 509.302 Hospitality Education Program.—

1256 (2) (a) All public lodging establishments, ~~and all~~ public
1257 food service establishments, and vacation rentals licensed under
1258 this chapter shall pay an annual fee of no more than \$10, which
1259 shall be included in the annual license fee and used for the
1260 sole purpose of funding the Hospitality Education Program.

1261 Section 35. Section 509.4005, Florida Statutes, is amended
1262 to read:

1263 509.4005 Applicability of ss. 509.401-509.417.—Sections
1264 509.401-509.417 apply only to guests in transient occupancy in a
1265 public lodging establishment or vacation rental.

1266 Section 36. Subsection (1) of section 509.401, Florida
1267 Statutes, is amended to read:

1268 509.401 Operator's right to lockout.—

1269 (1) If, upon a reasonable determination by an operator of a
1270 public lodging establishment or vacation rental, a guest has
1271 accumulated a large outstanding account at such establishment,
1272 the operator may lock the guest out of the guest's rental unit
1273 for the purpose of requiring the guest to confront the operator
1274 and arrange for payment on the account. Such arrangement must be



660498

CA.CA.02474

1275 in writing, and a copy must be furnished to the guest.

1276 Section 37. Section 509.402, Florida Statutes, is amended
1277 to read:

1278 509.402 Operator's right to recover premises.—If the guest
1279 of a public lodging establishment or vacation rental vacates the
1280 premises without notice to the operator and the operator
1281 reasonably believes the guest does not intend to satisfy the
1282 outstanding account, the operator may recover the premises. Upon
1283 recovery of the premises, the operator shall make an itemized
1284 inventory of any property belonging to the guest and store such
1285 property until a settlement or a final court judgment is
1286 obtained on the guest's outstanding account. Such inventory
1287 shall be conducted by the operator and at least one other person
1288 who is not an agent of the operator.

1289 Section 38. Subsections (1) and (2) of section 509.405,
1290 Florida Statutes, are amended to read:

1291 509.405 Complaint; requirements.—To obtain an order
1292 authorizing the issuance of a writ of distress upon final
1293 judgment, the operator must first file with the clerk of the
1294 court a complaint reciting and showing the following
1295 information:

1296 (1) A statement as to the amount of the guest's account at
1297 the public lodging establishment or vacation rental.

1298 (2) A statement that the plaintiff is the operator of the
1299 public lodging establishment or vacation rental in which the
1300 guest has an outstanding account. If the operator's interest in
1301 such account is based on written documents, a copy of such
1302 documents shall be attached to the complaint.

1303 Section 39. Section 509.409, Florida Statutes, is amended



660498

CA.CA.02474

1304 to read:

1305 509.409 Writ; inventory.—When the officer seizes
1306 distrainable property, either under s. 509.407 or s. 509.408,
1307 and such property is seized on the premises of a public lodging
1308 establishment or vacation rental, the officer shall inventory
1309 the property, hold those items which, upon appraisal, would
1310 appear to satisfy the plaintiff's claim, and return the
1311 remaining items to the defendant. If the defendant cannot be
1312 found, the officer shall hold all items of property. The officer
1313 shall release the property only pursuant to law or a court
1314 order.

1315 Section 40. Subsection (2) of section 509.417, Florida
1316 Statutes, is amended to read:

1317 509.417 Writ; sale of property distrained.—

1318 (2) At the time any property levied on is sold, it must be
1319 advertised two times, the first advertisement being at least 10
1320 days before the sale. All property so levied on may be sold on
1321 the premises of the public lodging establishment or the vacation
1322 rental or at the courthouse door.

1323 Section 41. Paragraph (b) of subsection (5) of section
1324 553.5041, Florida Statutes, is amended to read:

1325 553.5041 Parking spaces for persons who have disabilities.—

1326 (5) Accessible perpendicular and diagonal accessible
1327 parking spaces and loading zones must be designed and located to
1328 conform to ss. 502 and 503 of the standards.

1329 (b) If there are multiple entrances or multiple retail
1330 stores, the parking spaces must be dispersed to provide parking
1331 at the nearest accessible entrance. If a theme park or an
1332 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~



660498

CA.CA.02474

1333 provides parking in several lots or areas from which access to
1334 the theme park or entertainment complex is provided, a single
1335 lot or area may be designated for parking by persons who have
1336 disabilities, if the lot or area is located on the shortest
1337 accessible route to an accessible entrance to the theme park or
1338 entertainment complex or to transportation to such an accessible
1339 entrance.

1340 Section 42. Section 717.1355, Florida Statutes, is amended
1341 to read:

1342 717.1355 Theme park and entertainment complex tickets.—This
1343 chapter does not apply to any tickets for admission to a theme
1344 park or entertainment complex as defined in s. 509.013 ~~s.~~
1345 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
1346 recreational activity within such theme park or entertainment
1347 complex.

1348 Section 43. Subsection (8) of section 877.24, Florida
1349 Statutes, is amended to read:

1350 877.24 Nonapplication of s. 877.22.—Section 877.22 does not
1351 apply to a minor who is:

1352 (8) Attending an organized event held at and sponsored by a
1353 theme park or entertainment complex as defined in s. 509.013 ~~s.~~
1354 ~~509.013(9)~~.

1355 Section 44. This act shall take effect July 1, 2018.